HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION No.11789 of 2007

Date: 07-06-2007.

Between :

M/s.Sree Venkateswara Traders, Pallipet, Tamilnadu,
rep. by its Proprietor.

.....Petitioner

And

The Assistant Commercial Tax Officer (Int.),
Chittoor Division & others.

.....Respondents.

HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION No.11789 of 2007

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

Case of the petitioner is that he was transporting goods on valid documents and the goods were bound to be sent to Nagpur in Maharashtra, but it appears that the case of respondents was that the goods were being imported on fictitious documents and they were, as a matter of fact, meant for Tadipatri in Andhra Pradesh. This is a matter which is the subject matter of an enquiry and a show cause notice has already been issued to the petitioner as to why the goods be not confiscated. The petitioner has already filed objections to the show cause notice. The controversy can at best be decided by the authorities after considering the objections filed by the

petitioner to the show cause notice. In the meantime, since the goods have been detained, we direct that the goods be released on payment of tax at the rate of 4% of the value of the goods. Besides, the petitioner shall give an undertaking before the Registrar (Judicial) of this Court that in case an order of confiscation is passed by the respondents, he shall pay the amounts in the value of the goods within a period of two weeks thereafter. The undertaking given and also the payment of tax at the rate of 4% of the value of goods, shall be subject to the petitioner's rights of further remedies available in law.

Writ petition is disposed of accordingly.

BILAL NAZKI, J

7th June 2007

S. ANANDA REDDY, J

N.B:
Order by wire at party's cost.

(b/o)
ajr